

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JACQUELINE PRYOR,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,

Defendant.

CAUSE NO. 1:20-cv-1492

NOTICE OF REMOVAL OF ACTION

Defendant Costco Wholesale Corporation (“Costco”), by counsel, for its Notice of Removal of Action, states as follows:

1. On April 7, 2020, Plaintiff filed her Complaint against Defendant Costco in the Marion County Superior Court No. 1 under Cause Number 49D01-2004-CT-013308. A copy of Plaintiff’s Complaint is attached as Exhibit “C”.

2. Defendant Costco was served with Plaintiff’s Complaint by service through CT Corporation on April 10, 2020.

3. In her Complaint, Plaintiff alleges that on July 5, 2018, she was an invitee on the Defendant’s Property working as a product demonstrator for an entity known as Club Demonstration Services, for the financial benefit of the Defendant. She alleges that on that date, she was allegedly struck by a forklift driven by a Costco employee, which caused her to suffer injuries and damages. Plaintiff’s Complaint contained an open prayer for damages and alleged that “as a direct and proximate result of Defendant’s negligence and that of its employees, the Plaintiff has experienced, among other things, physical pain, mental anguish, lost wages, and the loss of enjoyment of life from her personal injuries.”

4. Defendant contends that this cause is removable under 28 U.S.C. § 1332 and none of the impediments to removal under 28 U.S.C. § 1445 are present in this action.

5. Diversity of Citizenship is present, as Defendant Costco Wholesale Corporation is incorporated under the laws of the State of Washington with its principal place of business in Issaquah, Washington and Plaintiff is a citizen of the State of Indiana.

6. On May 20, 2020, Undersigned counsel received written confirmation from counsel for Plaintiff in an e-mail that the amount in controversy exceeded \$75,000. Thus, pursuant to Local Rule 81.1, Defendant certifies that to the best of its knowledge, information and belief, the amount in controversy exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

7. This Notice of Removal is being filed with the Court within thirty (30) days after determining that the basis for diversity jurisdiction exists.

8. Copies of all pleadings filed in the state court action that are in the possession of Defendant Costco are attached as Exhibit "B".

9. Contemporaneously herewith, written notice is being provided to all adverse parties and to the Clerk of the Marion County Superior Court No. 1 that this Notice of Removal is being filed in this Court.

WHEREFORE, Defendant Costco Wholesale Corporation prays that the entire state court action under Cause Number 49D01-2004-CT-013308 now pending in the Marion County Superior Court No. 1 of Indiana be removed to this Court for all further proceedings.

Dated this 26th day of May 2020.

Respectfully submitted,

KOPKA PINKUS DOLIN PC

By: /s/ Leslie B. Pollie

Leslie B. Pollie, Atty No. 25716-49

Jessica N. Hamilton, Atty No. 34268-71

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on 26th day of May, 2020, the foregoing has been filed through the Court's ECF system and notice has been electronically served on all counsel of record. Parties may access this filing through the Court's system.

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